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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Walter Reist

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EXAMINER

CUMBESS, YOLANDA R

ART UNIT

PAPER NUMBER

3651

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/598,937	<b>Applicant(s)</b> REIST, WALTER	
	<b>Examiner</b> YOLANDA CUMBESS	<b>Art Unit</b> 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 12, 19, 26-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-18, 20-25, 28-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-11, 13-18, 20-25, 28-31 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 10-11, 13-18, 21-25, 28-31 are rejected under 35 U.S.C. 102(b) as being anticipated by McCoy (US Patent No. 3,595,377). Relative to claims 1-3, 9-11, 13-18, 22-25, and 28-31, McCoy discloses a conveying device comprising: at least one conveying body (21)(Fig. 3-4) as well as, rolling bodies (20)(Fig. 2) in operational connection with the conveying body (Ref. 15, which includes Ref. 21), at least one connecting body (12)(Fig. 2), the rolling bodies (20) comprise a plurality of rollers (see Fig. 2, 6) and the rolling bodies (20) are arranged between guide rails (8, 10)(Fig. 2) and the at least one conveying body (21) in such a manner that the rollers (20), during displacement of the at least one conveying body, are rotatable (Col. 4, lines 1-5); the conveying device (21) is operable with curvatures in different directions of curvature (see Fig. 1), and one connecting body (12)(Fig. 2) per rolling body (20) is present such that the connecting bodies (12) determine a distance between the rollers (20), and that

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guide rails (8, 10)(Fig. 2) and conveying bodies (21) are loosely guided with respect to one another (Col. 4, lines 30-40), and the rolling bodies (20) are connected together as a unit in a direction transverse to the direction of conveyance (Col. 4, lines 1-25; balls, Ref. 20, track, Ref. 12, and member (15) constitute a unit)(Fig. 2, 6); a plurality of conveying bodies (21), which are arranged between rolling bodies (20)(Fig. 6) and guiding rails (8, 10) such that the rollers (20) are freely rotatable when shifting at least one conveying body (21)((Col. 4, lines 30-50); two rolling bodies (20) are arranged opposite one another at a straight angle relative to one conveying body (21) or to several conveying bodies (21)(Fig. 2-6) and are operatively connected with the conveying body (21) or the conveying bodies and the guide rails (8, 10); at least one rolling body consists of balls (20); the operational connection between rolling bodies (20) and the at least one conveying body (21) or a plurality of conveying bodies (21a, 21b, 21c) is achieved by, guide grooves (18)(Fig. 2) for the engagement of rollers or balls (20) of the rolling bodies; the rolling bodies (20) are connected together as a unit transverse to the direction of conveyance with an elastic means of connection (see Fig. 2, Col. 7, lines 11-15); two guide rails (8, 10) form a unit (Fig. 2); conveying bodies (21) for the engagement in one of the two guide rails (8, 10), comprise movable rollers (20) or fixed rollers (the rollers are movable); the conveying bodies (20) for the engagement in one of the two guide rails (8, 10) comprise a guide groove (18) for the rollers; each rolling body (20) consists of unconnected rollers (20)(Fig. 2, 6) and the rollers (20) are arranged in a receptacle (13)(Fig. 2) for rolling bodies in spacer cages (19)(Fig. 2) not connected with one another; an attachment means ("clamps or pin plates"; not shown)

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for temporarily holding articles to be conveyed is provided on the conveying bodies (21)(Col. 4, lines 20-25); the conveying bodies (21) are connected to one another with a connecting means (27)(Fig. 6) for the conveying bodies; the conveying device (5)(Fig. 1) is a device closed in itself, in which all conveying bodies (21) are in engagement with one another and the rolling bodies (20) as well as the guide rails (8, 10) lead back into themselves (Fig. 1-6); the conveying bodies (21) are designed in such a manner that they are capable of being driven by means of a drive (Col. 7, lines 5-11)); the device is for the conveyance of flat products, preferably printed products (Col. 1, lines 18-40; device is for fabrics or cloth);

Relative to claims 28-31, McCoy discloses: at least one conveying body (21) as well as, a rolling body (20 ) in operational connection with the conveying body (21), at least one connecting body (12), wherein the rolling body (12) comprises a plurality of rollers (see "balls") and the rolling body is arranged between guide rails (8, 10) and the at least one conveying body in such a manner that the rollers (20), during displacement of the at least one conveying body, are rotatable, the conveying device (21) is operable with curvatures in different directions of curvature (Fig. 1), the one connecting body (12) is present such that the connecting body (12) determines a distance between the rollers (20)(Fig. 2), and that guide rails (8, 10) and conveying bodies (21) are loosely guided with respect to one another (Col. 4, lines 29-40), and the at least one conveying body (21) rolls up over the rolling body (20) on a first side of the guide rail (8, 10), and the at least one conveying body (21) comprises further rollers (20), which roll on a second side of the guide rail (8, 10); the rolling bodies (20) are connected, in a direction transverse

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to the direction of conveyance (rolling member are connected to member, Ref. 12, that is secured to the support, Col. 3, lines 65-70), by means of connecting bodies (12); the connecting bodies (12) are connected to one another in an articulated manner (Fig. 2)(Col. 3, lines 70-75); each connecting body (12) comprises receptacles (see Ref. 13), each receptacle for receiving one roller or ball (20) of the rolling bodies (Fig. 2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCoy in view of Gartner (European Patent Publication No. EP 0338500 A2). Relative to claim 4, McCoy discloses all claim limitations, but does not expressly disclose: the two rolling bodies are arranged not at a straight angle relative to one conveying body or to several conveying bodies.

Gartner teaches two rolling bodies (6, 7)(Fig. 1) that are arranged, not at a straight angle relative to one conveying body (18)(Fig. 1) or to several conveying bodies for the purpose of providing a overhead hanging conveyor with support members that are simpler, safer, and more endurable (Page. 1, Para. 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of McCoy with the rolling bodies arranged not at a

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straight angle as taught in Gartner for the purpose of providing an overhead hanging conveyor with support members that are simpler, safer, and more endurable.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCoy as applied to claim 2 above, and further in view of Buldini (US Patent No. 3,690,433). Relative to claims 5-6, McCoy discloses all claim limitations, but does not expressly disclose: three rolling bodies are arranged relative to at least one conveying body in such a manner that mutually supporting one another they act to oppose the forces which the at least one conveying body exerts on the rolling bodies and for their part support themselves on the guide rails; or a third rolling body is arranged at a right angle to the at least one conveying body.

Buldini teaches: three rolling bodies (40, 24)(Fig. 2) are arranged relative to at least one conveying body (see near Ref. 34) in such a manner that mutually supporting one another they act to oppose the forces which the at least one conveying body exerts on the rolling bodies (40, 24) and for their part support themselves on the guide rails (46, 48); and a third rolling body (24)(Fig. 2-3) is arranged at a right angle to the at least one conveying body for the purpose of providing a conveyor system for moving workpieces or other articles from one work station to another that is capable of accelerating and decelerating smoothly and efficiently while allowing the conveyor to move without interruption (Col. 2, lines 10-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of McCoy with the third rolling body as taught in Buldini

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for the purpose of providing a conveyor system for moving workpieces or other articles from one work station to another that is capable of accelerating and decelerating smoothly and efficiently while allowing the conveyor to move without interruption.

Claims 7-9, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCoy as applied to claim 1 above, and further in view of Burkhardt (US Patent No. 4,712,670). Relative to claim 7-9 and 20, McCoy discloses all claim limitations, including: the connecting bodies (12) comprise receptacles (13) and consist of an elastic material (Col. 7, lines 10-15, "plastic"). McCoy does not expressly disclose: the rolling bodies are rotatable around an axis that is defined in particular by pointed cones formed on the rollers; the axes respectively are arranged on one side of a ribbon-shaped connecting body and that on these axes the rollers are freely rotatable; or axle elements and the rollers are rotatably arranged around these axle elements.

Burkhardt teaches: the rolling bodies (5-6, 24)(Fig. 1-2) are rotatable around an axis(see axis through Ref. 5, near Ref. 7, Fig. 2; and ref. 26) that is defined in particular by pointed cones formed on the rollers (5, 24)(Fig. 2) (Col. 4, lines 35-37; Col. 5, lines 3-10); the axes (see near Ref. 7, and Ref. 26) are respectively are arranged on one side of a ribbon-shaped connecting body (20) and that on these axes the rollers (5-6; 24) are freely rotatable (Col. 4, lines 30-40; Col. 5, lines 19-22); and axle elements (see near Ref. 7; Ref. 26) and the rollers (5-6; 24) are rotatably arranged around these axle elements, for the purpose of providing a mechanism for the transportation of objects



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which can transport objects of any kind and shape safely and efficiently, and which may be simply constructed (Col. 1, lines 45-51).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of McCoy with the axis defined by pointed cones, or axle elements as taught in Burkhardt for the purpose of providing a mechanism for the transportation of objects which can transport objects of any kind and shape safely and efficiently, and which may be simply constructed.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOLANDA CUMBESS whose telephone number is (571)270-5527. The examiner can normally be reached on MON-THUR 9AM-6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GENE CRAWFORD can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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